

SLS'S MOTION TO DISMISS

SLS filed its motion to dismiss on June 12, 2015. *See* Mot. Dism. [D.E. 7]. This motion is directed at Harris's Original Petition. *See id.* [D.E. 7]. Subsequently, on September 30, 2015 Harris filed her First Amended Petition for Wrongful Foreclosure [D.E. 16]. Because SLS's motion is directed at Harris's Original Petition and not her amended petition, the undersigned recommends that SLS's Motion to Dismiss be **DENIED without prejudice**.

RECOMMENDATION

For the reasons stated above, the undersigned recommends that BDFTE's Motion to Dismiss and SLS's Rule 12(b)(6) Motion to Dismiss both be denied.

SO RECOMMENDED, this 29th day of January, 2016.


PAUL D. STICKNEY
UNITED STATES MAGISTRATE JUDGE

INSTRUCTIONS FOR SERVICE AND NOTICE OF RIGHT TO APPEAL/OBJECT

The United States District Clerk shall serve a true copy of these findings, conclusions, and recommendation on the parties. Pursuant to Title 28, United States Code, Section 636(b)(1), any party who desires to object to these findings, conclusions, and recommendation must serve and file written objections within fourteen days after being served with a copy. A party filing objections must specifically identify those findings, conclusions, or recommendation to which objections are being made. The District Court need not consider frivolous, conclusory, or general objections. A party's failure to file such written objections to these proposed findings, conclusions, and recommendation shall bar that party from a de novo determination by the District Court. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985). Additionally, any failure to file written objections to the proposed findings, conclusions, and recommendation within fourteen days after being served with a copy shall bar the aggrieved party from appealing the factual findings and legal conclusions of the Magistrate Judge that are accepted by the District Court, except upon grounds of plain error. *See Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc).